

EXHIBIT 12
WSOU's Aug. 30, 2021
Updated Preliminary
Claim Constructions

PLAINTIFF WSOU'S PROPOSED PRELIMINARY CLAIM CONSTRUCTIONS (**ALLEGED "MPF" CLAIM TERMS UPDATED**)

U.S. Patent No. 8,103,213				
No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
1.	computer program code configured to initiate an inquiry from an apparatus to at least one other apparatus	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> initiate an inquiry from an apparatus to at least one other apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A (1300) and process 1 of Fig. 13, communications module 230 of Fig. 2, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and steps 1406-1412 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 19:62-20:4, 21:1-3, and 21:15-42, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “initiate an inquiry from an apparatus to at least one other apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
2.	computer program code configured to receive remote characteristic information into the apparatus	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> receive remote characteristic information into the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A (1300) and process 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1414 of Fig. 14A, and the corresponding portions</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receive remote characteristic information into the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemaker.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:4-24, 21:1-3, and 21:28-42, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
3.	computer program code configured to determine local characteristic information in the apparatus	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “determine local characteristic information in the apparatus”</p> <p>Structure: Indefinite.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p><u>Function:</u> determine local characteristic information in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A (1300) and process 3 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1416 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:25-35, 21:1-3, and 21:28-42, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p>	<p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			WSOU further reserves the right to rely on positions and evidence cited by NEC.	
4.	computer program code configured to formulate a configuration in the apparatus	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> formulate a configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 4 of Fig. 13, apparatus 1102 of Fig. 12, apparatus 1104 of Fig. 11, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1418 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:7-52, 18:4-6, 18:45-60, and 20:35-44, 21:1-3, and 21:43-48, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> Dictionary of Computer and Internet Words at WSOU-NEC-0001867 	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “formulate a configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
5.	computer program code configured to send the configuration from the apparatus to the	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p>	Governed by 35 U.S.C. § 112, ¶ 6.

U.S. Patent No. 8,103,213

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	at least one other apparatus		<p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> send the configuration from the apparatus to the at least one other apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 5 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1420 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:45-48, 21:1-3, and 21:48-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 	<p>Function: “send the configuration from the apparatus to the at least one other apparatus”</p> <p>Structure: Multiradio controller, master control system, and radio modems/software-defined radio modules.</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<ul style="list-style-type: none"> Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
6.	computer program code configured to implement the configuration in the apparatus	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function</u>: implement the configuration in the apparatus</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “implement the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p><u>Structure/material/acts:</u> For example, apparatus A and process 6 of Fig. 13, apparatus 1102 of Fig. 12, apparatus 1104 of Fig. 11, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1422 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:49-53, 21:1-3, and 21:52-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 	<p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
7.	computer program code configured to establish communication between the apparatus and at least one other apparatus in accordance with the configuration	8	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> establish communication between the apparatus and at least one other apparatus in accordance with the configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 8 of Fig. 13, apparatus B of Fig. 13, communications module</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establish communication between the apparatus and at least one other apparatus in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1424 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:53-67, 21:1-3, and 21:52-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning</p>	<p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213				
No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
8.	means for initiating an inquiry from the apparatus to at least one other apparatus	22	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> initiating an inquiry from an apparatus to at least one other apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A (1300) and process 1 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and steps 1406-1412 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-60, 19:62-20:4, 21:1-3, and 21:15-42, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "initiating an inquiry from the apparatus to at least one other apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite .</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
9.	means for receiving remote characteristic information into the apparatus	22	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> receiving remote characteristic information into the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A (1300) and process 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1414 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22,</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "receiving remote characteristic information into the apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u> Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

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			<p>8:60-9:5, 17:8-52, 18:4-60, 20:4-24, 21:1-3, and 21:28-42, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
10.	means for determining local characteristic information in the apparatus	22	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> determining local characteristic information in the apparatus</p> <p><u>Structure/material/acts:</u></p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "determining local characteristic information in the apparatus"</p> <p>Structure: Indefinite.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>For example, apparatus A (1300) and process 3 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1416 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-60, 20:25-35, 21:1-3, and 21:28-42, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	<p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>
11.	means for formulating a	22	Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.	Governed by 35 U.S.C. § 112, ¶ 6.

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
	configuration in the apparatus		<p><u>Function:</u> formulating a configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 4 of Fig. 13, apparatus 1102 and software modules 1110-1118 of Fig. 12, apparatus 1104 of Fig. 11, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1418 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-60, and 20:35-44, 21:1-3, and 21:43-48, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 	<p>Function: “formulating a configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

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			<ul style="list-style-type: none"> Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
12.	means for sending the configuration from the apparatus to the at least one other apparatus	22	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> sending the configuration from the apparatus to the at least one other apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 5 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "sending the configuration from the apparatus to the at least one other apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>1420 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-60, 20:45-48, 21:1-3, and 21:48-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on</p>	<p>Expert testimony from Dr. Matthew Shoemake.</p>

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No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
13.	means for implementing the configuration in the apparatus	22	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> implementing the configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 6 of Fig. 13, apparatus 1102 of Fig. 12, apparatus 1104 of Fig. 11, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-60, 20:49-53, 21:1-3, and 21:52-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "implementing the configuration in the apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
14.	means for establishing communication between the apparatus and at	22	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u></p>	Governed by 35 U.S.C. § 112, ¶ 6.

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
	least one other apparatus in accordance with the configuration		<p>establishing communication between the apparatus and at least one other apparatus in accordance with the configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus A and process 8 of Fig. 13, apparatus B of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1424 of Fig. 14A, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-60, 20:53-56, 21:1-3, and 21:52-56, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 	<p>Function: "establishing communication between the apparatus and at least one other apparatus in accordance with the configuration"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<ul style="list-style-type: none"> Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
15.	computer program code configured to receive wireless communication in an apparatus	24	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> receive wireless communication in an apparatus</p> <p><u>Structure/material/acts:</u></p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receive wireless communication in an apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>For example, apparatus B (1302) of Fig. 13 and process 1 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1450 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 19:67-20:1, 20:4-8, and 22:11-25, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	Expert testimony from Dr. Matthew Shoemake.
16.	computer program code configured to, if the wireless	24	Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.	Governed by 35 U.S.C. § 112, ¶ 6.

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
	communication includes an inquiry requesting characteristic information, determine characteristic information		<p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and processes 1 and 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and steps 1452 and 1458 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 19:62-20:4, 20:8-24, 22:11-15, and 22:26-35, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning</p>	<p>Function: “if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemaker.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
17.	computer program code configured to respond to the inquiry, the response comprising the characteristic information	24	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> respond to the inquiry, the response comprising the characteristic information</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1460 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:4-24, 22:11-15, and 22:35-55, and equivalents thereof.</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “respond to the inquiry, the response comprising the characteristic information”</p> <p>Structure: Multiradio controller, master control system, and radio modems/software-defined radio modules.</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	Expert testimony from Dr. Matthew Shoemake.
18.	computer program code configured to receive further wireless communication in the apparatus, the further wireless communication including a configuration	24	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u></p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receive further wireless communication in the apparatus, the further wireless communication including a configuration”</p> <p>Structure: Indefinite.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>receive further wireless communication in the apparatus, the further wireless communication including a configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 5 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1462 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:45-48, 22:11-15, 22:37-46, and 22:56-59 and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 	<p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
19.	computer program code configured to implement the configuration in the apparatus	24	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> implement the configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 7 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11,</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “implement the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>software modules 1110-1118 of Fig. 12, and step 1468 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:49-53, 22:11-15, and 22:56-22:65, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at</p>	

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
20.	computer program code configured to establish communication in accordance with the configuration	24	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> establish communication in accordance with the configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 8 of Fig. 13, communications module 230 of Fig. 2, memory 330 of Figs. 3, 7A, 8A, 9A, or 11, software modules 1110-1118 of Fig. 12, and step 1456 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:53-56, 22:11-15, and 22:65-67, and equivalents thereof.</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establish communication in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

U.S. Patent No. 8,103,213

No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			<p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p>	

U.S. Patent No. 8,103,213				
No.	Terms	Claims	WSOU's Preliminary Proposed Claim Constructions and Extrinsic Evidence	NEC's Proposed Definition
			WSOU further reserves the right to rely on positions and evidence cited by NEC.	
21.	"the processor being configured to: receive wireless communication in an apparatus"	25	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> receive wireless communication in an apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) of Fig. 13 and process 1 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1450 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 19:67-20:1, 20:4-8, and 22:11-25, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p>	

<p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "receive wireless communication in an apparatus"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>			
22.	<p>"the processor being configured to: [] if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information"</p>	25	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "if the wireless communication includes an inquiry requesting characteristic information, determine characteristic information"</p>

			<p><u>Structure/material/acts:</u> For example, apparatus B (1302) and processes 1 and 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and steps 1452 and 1458 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 19:62-20:4, 20:8-24, 22:11-15, and 22:26-35, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why</p>	<p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>
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			<p>WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
23.	<p>"the processor being configured to: [] respond to the inquiry, the response comprising the characteristic information"</p>	25	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> respond to the inquiry, the response comprising the characteristic information</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1460 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:4-24, 22:11-15, and 22:35-55, and equivalents thereof.</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "respond to the inquiry, the response comprising the characteristic information"</p> <p>Structure: Multiradio controller, master control system, and radio modems/software-defined radio modules.</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

			<p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
24.	<p>"the processor being configured to: [] receive further wireless communication in the apparatus, the further wireless communication including a configuration"</p>	25	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u></p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "receive further wireless communication in the apparatus, the further wireless</p>

			<p>receive further wireless communication in the apparatus, the further wireless communication including a configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 5 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1462 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:45-48, 22:11-15, 22:37-46, and 22:56-59 and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 	<p>communication including a configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>
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			<ul style="list-style-type: none"> • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
25.	"the processor being configured to: [] implement the configuration in the apparatus"	25	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p>

			<p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> implement the configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 7 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1468 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:49-53, 22:11-15, and 22:56-22:65, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 	<p>Function: “implement the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>
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			<ul style="list-style-type: none"> • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
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26.	“the processor being configured to: [] establish communication in accordance with the configuration”	25	<p>Not governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p>No construction necessary – plain and ordinary meaning.</p> <p><i>To the extent, however, that the Court treats the term as means-plus-function:</i></p> <p><u>Function:</u> establish communication in accordance with the configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 8 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1456 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:53-56, 22:11-15, and 22:65-67, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establish communication in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p>Extrinsic Evidence: Expert testimony from Dr. Matthew Shoemake.</p>
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			<ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p>	
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			WSOU further reserves the right to rely on positions and evidence cited by NEC.	
27.	means for receiving wireless communication in the apparatus	26	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> receiving wireless communication in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) of Fig. 13 and process 1 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1450 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 19:67-20:1, 20:4-8, and 22:11-25, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “receiving wireless communication in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

			<p>the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
28.	means for, if the wireless communication includes an inquiry requesting characteristic information, determining characteristic information	26	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> if the wireless communication includes an inquiry requesting characteristic information, determining characteristic information</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and processes 1 and 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and steps 1452 and 1458 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6,</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "if the wireless communication includes an inquiry requesting characteristic information, determining characteristic information"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p>

			<p>18:45-60, 19:62-20:4, 20:8-24, 22:11-15, and 22:26-35, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	<p>Expert testimony from Dr. Matthew Shoemake.</p>
29.	means for responding to the inquiry, the response comprising the characteristic information	26	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> responding to the inquiry, the response comprising the characteristic information</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p>

			<p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 2 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1460 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:4-24, 22:11-15, and 22:35-55, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p> <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why</p>	<p>Function: "responding to the inquiry, the response comprising the characteristic information"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>
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			<p>WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
30.	means for receiving further wireless communication in the apparatus, the further wireless communication including a configuration	26	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> receiving further wireless communication in the apparatus, the further wireless communication including a configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 5 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1462 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:45-48, 22:11-15, 22:37-46, and 22:56-59 and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence that it may rely upon in support of its construction:</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: "receiving further wireless communication in the apparatus, the further wireless communication including a configuration"</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

			<ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p>	
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			WSOU further reserves the right to rely on positions and evidence cited by NEC.	
31.	means for implementing the configuration in the apparatus	26	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> implementing the configuration in the apparatus</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 7 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1468 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:49-53, 22:11-15, and 22:56-22:65, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “implementing the configuration in the apparatus”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

			<ul style="list-style-type: none"> • IBM Dictionary of Computing at WSOU-NEC-0001870 • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p>	
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			WSOU further reserves the right to rely on positions and evidence cited by NEC.	
32.	means for establishing communication in accordance with the configuration	26	<p>Governed by 35 U.S.C. § 112, ¶ 6. This term is not indefinite.</p> <p><u>Function:</u> establishing communication in accordance with the configuration</p> <p><u>Structure/material/acts:</u> For example, apparatus B (1302) and process 8 of Fig. 13, communications module 230 of Fig. 2, memory 330 and processor 300 of Figs. 3, 7A, 8A, 9A, or 11, software-defined radio module 1102 and software modules 1110-1118 of Fig. 12, and step 1456 of Fig. 14B, and the corresponding portions of the specification at 6:17-30, 6:17-30, 6:50-7:22, 8:60-9:5, 17:8-52, 18:4-6, 18:45-60, 20:53-56, 22:11-15, and 22:65-67, and equivalents thereof.</p> <p>WSOU identifies the following exemplary extrinsic evidence in support of its construction:</p> <ul style="list-style-type: none"> • Dictionary of Computer and Internet Words at WSOU-NEC-0001867 • IBM Dictionary of Computing at WSOU-NEC-0001870 	<p>Governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: “establishing communication in accordance with the configuration”</p> <p>Structure: Indefinite.</p> <p>Algorithm: None, and thus indefinite.</p> <p><u>Extrinsic Evidence:</u></p> <p>Expert testimony from Dr. Matthew Shoemake.</p>

			<ul style="list-style-type: none"> • Microsoft Computer Dictionary (5th Edition) at WSOU-NEC-0001884 • Dictionary of Computing (5th Edition) at WSOU-NEC-0001889 • Webster's Pocket Computer & Internet Dictionary at WSOU-NEC-0001894 • Webster's New World Computer Dictionary (10th Edition) at WSOU-NEC-0001899 <p>WSOU may rely on the declaration and/or testimony of Dr. Polish to explain the technology of the asserted patent, both generally and with respect to this term, the state of the art as of the claimed priority date of the asserted patent, the level of ordinary skill in the art, and the meaning of the term to a person of ordinary skill in the art at the time of the invention. WSOU may also rely on Dr. Polish to respond to NEC's claim construction positions and alleged support, including why WSOU's position should be adopted over that of NEC.</p> <p>WSOU further reserves the right to rely on positions and evidence cited by NEC.</p>	
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